



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 7108-99

17 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 9 November 1989 for six years as a BT3 (E-4). At the time of your reenlistment, you had completed nearly four years of active service.

The record reflects that you received two nonjudicial punishments, one in January 1990 and the second in November 1994. Your offenses consisted of disobedience of an officer's order of an officer, two instances of disobedience of a noncommissioned officer's order, drunk and disorderly conduct, breach of the peace by engaging in a fist fight, and resisting apprehension. Thereafter, you continued to service without further incident and were honorably discharged on 12 September 1995 by reason of reduction in force and assigned an RE-4 reenlistment code. At the time of your discharge, you had completed more than nine and a half years of active service and were recommended for reenlistment. You enlisted in the Naval Reserve on 27 February 1997 for four years.

Regulations provide that individuals in pay grade E-4 may not serve on active duty for more than 10 years. Therefore, you were not eligible to reenlist unless authorized by the Chief of Naval Personnel to reenlist in a special program leading to advancement in another rating. There is no evidence in the available records that you applied for such a program. The Board noted the two NJPs, the last occurring within the last year of service, were relatively serious offenses. The Board concluded they provided sufficient justification to warrant the assignment of an RE-4 reenlistment code. The Board also noted that the assigned reenlistment code has not prevented you from enlisting in the Naval Reserve. The Board concluded that reenlistment code was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director